

From: bwthomas@cs.uchicago.edu@inetgw
To: Microsoft ATR
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Subject: Microsoft Settlement

It is my informed opinion that III.J.2.(b,c) allows Microsoft to restrict access to it's various API's unfairly. Namely,

"has a reasonable business need ..."

and

"meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business..."

It is simply not the case that all software development is driven by business, or hopes of profit as it were. There is a very thriving community of developers who develop "Open Source" or "Free Software" (see definitions for <http://www.gnu.org/philosophy/free-sw.html>)>Open Source and http://www.opensource.org/docs/definition_plain.html> Free Software) applications.

Allowing restriction of system interoperability is clearly anti-competitive; allowing discriminatory licensing to Microsoft's various API's based on the organization that a developer is affiliated with will do just that. Microsoft will use this clause to its advantage in continuing its unfairly gotten monopoly by disallowing access to it's API's to any entity that isn't a "viable" business, i.e. Free Software & Open Source developers.

Blake Wesley Thomas
Student, University of Chicago
Senior Tutor, Computer Science Laboratory